IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

CIVIL APPLICATION NO.765 OF 2007
IN
SECOND APPEAL NO.1244 OF 2004

Devaki Jinappa Upadhye & Anr. .. Applicants.
V.
Sadgonda Ramgonda Patil & Anr. .. Respondents.

Mr.S.G.Deshmukh for the applicants.
Mr.Amit Borkar for respondent nos.1 to 3.

CORAM : D.B.BHOSALE, J.
DATED : 23RD AUGUST, 2007

P.C.:

. Heard the learned counsel for the parties.

2. By this civil application the applicant has made several prayers. Mr.Deshmukh, learned counsel for the applicant submits that the applicant will be satisfied if he is given sufficient time to deposit the arrears as per the order dated 21.10.2005 and is protected until he complies with the order and then till the disposal of the appeal. I perused the application with the annexures so also the order dated 21.10.2005 passed by the learned Single Judge on civil application No.1682 of 2004. It appears that the applicants were directed to deposit an amount of Rs.35,000/- per annum in the trial Court and since the

amount was not deposited the application was moved by the respondents for vacating the interim injunction. The learned Single Judge vide order dated 21st October, 2005 had passed the conditional order directing the applicants to deposit the arrears within three weeks failing which the application was to stand dismissed and all the interim orders were to be vacated without reference to the court. Since the amount was not deposited the interim relief stood vacated and hence the present application. Mr.Deshmukh, learned counsel for the applicant submits that if some breathing time is given, the applicants are prepared to deposit the entire arrears till this date. After having considered the submissions of the learned counsel for the parties and the State I am satisfied that the following order shall meet the ends of justice:

(i) The interim order granted on 14th February, 2005 shall remain operative subject to the following conditions:

(a) The petitioners shall deposit 50% of the total arrears within four weeks from today and remaining 50% within a period of four weeks therefrom.

(b) If the petitioners fail to deposit the amount as aforementioned all the interim orders shall stand

vacated without further reference to the Court.

(c) It is made clear that no further extension shall be granted on any ground whatsoever.

. Mr.Deshmukh does not pressed other prayers and seeks liberty to the applicants to adopt appropriate proceedings for other prayers. Liberty as prayed is granted. Application is disposed of.

(D.B.BHOSALE,J.)